

MS 201 ELIGIBILITY AND STANDARDS FOR PEACE CORPS VOLUNTEER SERVICE

Date: 11/1/84
Office: D/GC
Supersedes: MS 201, 7/3/84
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[22 CFR PART 305]
AGENCY: Peace Corps
ACTION: Final Rule.

SUMMARY: The Peace Corps is adopting this final rule to restate and update the requirements for eligibility for Peace Corps Volunteer service, and the factors considered in the assessment and selection of eligible applicants for training and service. A notice of proposed rulemaking was issued in the Federal Register in Volume 49, Number 134 on July 11, 1984 beginning at page 28255. No comments were received from the public.

EFFECTIVE DATE: November 1, 1984.

FOR FURTHER INFORMATION CONTACT: Alexander B. Cook, General Counsel, Telephone: (202) 254-3114 (voice). TTY: Telephone (202) 254-3290. Long Distance - (800) 424-8580, Extension 242 (Voice Extension to TTY) or dial above TTY local number with area code.

SUPPLEMENTARY INFORMATION: This rule revises and updates rules concerning eligibility for Peace Corps Volunteer service which were last published in the Federal Register on March 28, 1969 and currently appear at 22 CFR Part 305.

STATEMENT OF EFFECTS: The Peace Corps has determined that this document is not a major rule under Executive Order 12291, and certifies that this document will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

LIST OF SUBJECTS IN 22 CFR PART 305: Aged, Citizenship and naturalization, Civil rights, Nondiscrimination, Equal employment opportunity, Foreign aid, Handicapped, Political affiliation, Discrimination, Volunteers.

Subchapter III of Title 22 of the Code of Federal Regulations is amended as follows:

Part 305 is revised to read as follows:

PART 305 -- ELIGIBILITY AND STANDARDS FOR PEACE CORPS VOLUNTEER SERVICE

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AUTHORITY:

Sec. 4(b), 5(a) and 22, 75 Stat 612, 22 USC 2504; E.O. 12137, May 16, 1979, Sec. 601 of the International Security and Development Cooperation Act of 1981. 95 Stat 1519 at 1540, Sec. 417(c) (1) of the Domestic Volunteer Service Act (42 U.S.C. 5057(c)(1)).

§305.1 PURPOSE AND GENERAL GUIDELINE

This subpart states the requirements for eligibility for Peace Corps Volunteer service and the factors considered in the assessment MS 201 page 3 11/1/84 and selection of eligible applicants for training and service. In selecting individuals for Peace Corps Volunteer service under this subpart, as required by Section 5(a) of the Peace Corps Act, as amended, "no political test shall be required to be taken into consideration, nor shall there be any discrimination against any person on account of race, sex, creed, or color." Further, in accordance with Section 417(c) (1) of the Domestic Volunteer Service Act, as amended (42 U.S.C. 5057 (c)(1)) the nondiscrimination policies and authorities set forth in Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16), Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), are also applicable to the selection, placement, service and termination of Peace Corps Volunteers.

§305.2 ELIGIBILITY

In addition to those skills, personal attributes and aptitudes required for available Volunteer assignments, the following are the basic requirements that an applicant must satisfy in order to receive an invitation to train for Peace Corps Volunteer service.

- (a) **Citizenship** The applicant must be a citizen of the United States or have made arrangements satisfactory to the Office of Marketing, Recruitment, Placement and Staging (MRPS) and the Office of General Counsel (D/GC) to be naturalized prior to taking the oath prescribed for enrollment as a Peace Corps Volunteer. (See Section 5[a] of the Peace Corps Act, as amended).
- (b) The applicant must be at least 18 years old.
- (c) **Medical Status** The applicant must, with reasonable accommodation, have the physical and mental capacity required of a Volunteer to perform the essential functions of the Peace Corps Volunteer assignment for which he or she is otherwise eligible, and be able to complete an agreed upon tour of service, ordinarily two years, without unreasonable disruption due to health problems.

In determining what is a reasonable accommodation, the Peace Corps may take into account the adequacy of local medical facilities. In determining whether an accommodation would impose an undue hardship on the operation of the Peace Corps, factors to be considered include:

1. The overall size of the Peace Corps program with respect to the number of employees and/or Volunteers, size of budget, and size and composition of staff at post of assignment,
2. The nature and cost of the accommodation, and
3. The capacity of the host country agency to which the applicant would be assigned to provide any special accommodation necessary for the applicant to carry out the assignment.

- (d) **Legal Status** The applicant must not be on parole or probation to any court or have any court established or acknowledged financial or other legal obligation which, in the opinion of D/GC and MRPS, cannot be satisfied or postponed during the period of Peace Corps service.
- (e) **Intelligence Background** In accordance with longstanding Peace Corps policy, prior employment by any agency of the United States Government, civilian or military, or division of such an agency, whose exclusive or principle function is the performance of intelligence activities; or engaging in intelligence activities or related work may disqualify a person from eligibility for Peace Corps service. See Section 611 of the Peace Corps Manual.
- (f) **Marital Status**
1. Ordinarily, if an applicant is married or intends to marry prior to Peace Corps service, both husband and wife must apply and qualify for assignment at the same location. Exceptions to this rule will be considered by the Office of Volunteer Placement (MRPS/P) under the following conditions:
 2.
 - i. Unaccompanied Married Applicant. In order to qualify for consideration for Peace Corps service, a married applicant whose spouse does not wish to accompany him/her overseas must provide the Office of Placement (MRPS/P) with a notarized letter from the spouse acknowledging that he or she is aware of the applicant spouse's intention to serve as a Peace Corps Volunteer for two years or more and that any financial and legal obligations of the applicant to his or her spouse can be met during the period of Peace Corps service. In determining eligibility in such cases, MRPS/P will also consider whether the service of one spouse without the accompaniment of the other can reasonably be anticipated to disrupt the applicant spouse's service overseas.
 - ii. In addition to satisfying the above requirements, a married applicant who is legally, or in fact, separated from his or her spouse, must provide MRPS/P with copies of any agreements or other documentation setting forth any legal and financial responsibilities which the parties have to one another during any period of separation.
 - iii. Divorced Applicants. Applicants who have been divorced must provide MRPS/P with copies of all legal documents related to the divorce.
- (g) **Dependents** Peace Corps has authority to provide benefits and allowances for the dependent children of Peace Corps Volunteers who are under the age of 18. However, applicants with dependent children under the age of 18 will not be considered eligible for Peace Corps service unless MRPS/P determines that the skills of the applicants are essential to meet the requirements of a Volunteer project, and that qualified applicants without minor dependents are not available to fill the assignment.
1. Procedures for Placing Volunteers with Children. The placement of any couple with dependent children must have the concurrence of the appropriate Country and Regional Director.
 2. If the applicant has any dependents who will not accompany him or her overseas, the applicant must satisfy MRPS/P and the General Counsel that adequate arrangements have been made for the care and support of the dependent during any period of training and Peace Corps service; that such service will not adversely affect the relationship between the applicant and dependent in such a way as to disrupt his or her service; and that he or she is not using Peace Corps service to escape responsibility for the welfare of any dependents under the age of 18.

3. Married couples with more than two children or with children who are below two years of age are not eligible for Peace Corps service except in extraordinary circumstances as approved by the Director of the Peace Corps or designee.
- (h) **Military Service Applicants** with military or national guard obligation must provide MRPS/P with a written statement from their commanding officer that their presence will not be required by their military unit for the duration of their Peace Corps service, except in case of national emergency.
- (i) **Failure to Disclose Requested Information** Failure to disclose, and/or the misrepresentation of material information requested by the Peace Corps regarding any of the above described standards of eligibility may be grounds for disqualification or separation from Peace Corps Volunteer service. (See Section 284 of the Peace Corps Manual).

§305.3 BACKGROUND INVESTIGATIONS

Section 22 of the Peace Corps Act states that to ensure enrollment of a Volunteer is consistent with the national interest, no applicant is eligible for Peace Corps Volunteer service without a background investigation. The Peace Corps requires that all applicants accepted for training have as a minimum a National Agency Check. Information revealed by the investigation may be grounds for disqualification from Peace Corps service.

§305.4 SELECTION STANDARDS

To qualify for selection for overseas service as a Peace Corps Volunteer, applicants must demonstrate that they possess the following personal attributes:

- (a) **Motivation** A sincere desire to carry out the goals of Peace Corps service, and a commitment to serve a full term as a Volunteer.
- (b) **Productive Competence** The intelligence and educational background to meet the needs of the individual's assignment.
- (c) **Emotional Maturity/Adaptability** The maturity, flexibility, and self sufficiency to adapt successfully to life in another culture, and to interact and communicate with other people regardless of cultural, social, and economic differences.
- (d) **Skills** By the end of training, in addition to the attributes mentioned above, a Trainee must demonstrate competence in the following areas:
 1. Language. The ability to communicate in the language of the country of service with the fluency required to meet the needs of the overseas assignment.
 2. Technical competence. Proficiency in the technical skills needed to carry out the assignment.
 3. Knowledge. Adequate knowledge of the culture and history of the country of assignment to ensure a successful adjustment to, and acceptance by, the host country society. The Trainee must also have an awareness of the history and government of the United States which qualifies the individual to represent the United States abroad
- (e) **Failure to Meet Standards** Failure to meet any of the selection standards by the completion of training may be grounds for deselection and disqualification from Peace Corps service.

§305.5 PROCEDURES

Procedures for filing, investigating, and determining allegations of discrimination on the basis of race, color, national origin, religion, age, sex, handicap or political affiliation in the application of any provision of this Part are contained in MS 293 (45 CFR Part 1225).

Signed at Washington, D.C. on September 25, 1984.

Signed by Loret M. Ruppe
Loret Miller Rupee
Director, Peace Corps